



# புதுச்சேரி மாநில அரசிதழ்

## La Gazette de L'État de Poudouchéry The Gazette of Puducherry

### PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

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அதிகாரம் பெற்ற  
வெளியீடு

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No. } 44	Poudouchéry	Mercredi	3	Février	2021 (12 Phalgun 1942)
No. }	Puducherry	Wednesday	3rd	February	2021

#### IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE (NORTH) AT PUDUCHERRY

*Present :* Thiru M. KANDASAMY,  
Subdivisional Magistrate (North).

**M.C. No. 36/2021 of I.R. No. 16/2020 Under Section 144 of Cr.P.C./541**

#### ORDER

(UNDER SECTION 144 OF Cr. P.C.)

To

State Represented by the Station House Officer,  
Kalapet Police Station,  
Puducherry.

.... Petitioner

*Vs*

Gowthaman (24),  
S/o. Narayanan,  
No. 52, Thideer Nagar,  
Chinnakalapet,  
Puducherry.

.... Counter Petitioner

This petition along with case sheet filed by Station House Officer, represented by Arulmani, Sub-Inspector, Kalapet Police Station, Puducherry, praying to pass orders under section 144 Cr.P.C against Thiru Gowthaman to prevent imminent danger to human lives and properties, and disturbance to the public tranquility and order, in the jurisdiction of this Court.

2. Counter Petitioner Gowthaman, is a resident of No. 52, Thideer Nagar, Chinnakalpet, Puducherry.

3. The facts which led up to the petition are briefly as follows: The case referred by the Station House Officer, Kalapet Police Station, Puducherry, through the Superintendent of Police (East), Puducherry *vide* I. R. No.16/2020, u/s. 144 of Cr.P.C, dated 10-12-2020 that you have formed a gang of rowdies and bent up on indulging in crime such as murder, attempt to murder, grievous hurt, extortion and disturbance to the public peace and tranquility and you have created panic in the minds of local inhabitants in the Police Station limits. As a result the people of the locality being afraid of you and do not come forward to lodge any complaint against you. It is also stated that even witnesses don't come forward voluntarily to give evidence against you in the cases where you are the accused. In this connection, the petitioner had stated that the following criminal cases were registered against the Counter Petitioner.

- (i) Cr. No. 57/2015, under sections 147, 148, 341, 427, 324, 307, 506 (ii) r/w 149 IPC, dated 02-09-2015 of Kalapet Police Station, Puducherry.
- (ii) Cr. No. 58/2016, under sections 294(b), 324, 506(II) IPC., r/w 34 IPC@ 143, 147, 148, 294(b), 307, 506(II) IPC, r/w 149 IPC, dated 08-06-2016 of Kalapet Police Station, Puducherry.
- (iii) Cr. No. 115/2017, under sections 326, 506(ii), r/w 34 IPC, dated 24-11-2017 of Kalapet Police Station, Puducherry.
- (iv) Cr. No. 306/2019, under sections 147, 148, 294(b), 341, 324, 120(b), 307, 302 IPC, dated 11-07-2019 of Kottakuppam Police Station, Tamil Nadu.

4. The Petitioner has also submitted that the Counter Petitioner is not a law abiding citizen, he has often violated the conditions imposed by the Court while he was released on bail. He is very active and therefore, his criminal activities cannot be prevented by invoking the mere security proceedings under the Cr.P.C.

5. The Petitioner also submitted that you are desperate and is in dire need of money to maintain your group of rowdy elements and to meet expenses in connection with the trial in the pending Court cases against you. It is also stated that you are hatching plans to threaten the business people in the Puducherry area and extort money from them by threatening. It is further stated that you are involving in various offences by using deadly weapons and also earned displeasure among a section of other rowdy group in the area on account of the grudge against you and hence, rival group is also waiting opportunity to take revenge up on you;

6. The Petitioner further submitted that if, you are allowed to reside in Kalapet limits, it is apprehended that you would continue to indulge in serious offences like murder, assault, obstructions, annoyance, damages to public and private properties, *etc.*, and thereby emerged as a perennial source of threat to the community and disturb public peace and order. Hence, the Station House Officer,

Kalapet Police Station, Puducherry has prayed to invoke provisions u/s 144 Cr.P.C against you not to enter into the jurisdiction of this Court, for a period of two months as to prevent danger to the human life and properties, and disturbance to the public tranquility and order;

7. The proceeding was started by affording an opportunity to the Counter petitioner to show cause against the petition filed by the Petitioner. A notice was served to both the parties on 10-02-2021 to appear for the hearing on 18-02-2021 at 11.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Kalapet Police Station, Puducherry. The notice for the Counter Petitioner was received by his mother, Tmt. N. Meenatchi. The service was held sufficient for the Counter Petitioner.

8. On 18-02-2021, the Petitioner represented by Arulmani, Sub-Inspector, Kalapet Police Station, Puducherry, was present. The Counter Petitioner has failed to appear before the Court on hearing date.

9. I have heard the Petitioner and carefully gone through all the available records placed before me.

In the Police Information Report/Petition, it is stated that Thiru Gowthaman's activity was in such a manner that he may cause breach of peace and create a problem of law and order, and public tranquility. He has involved in crimes such as murder, grievous hurts, assaulting with deadly weapons, unlawful activities causing damage to public property, obstructions and annoyance, and disturb public peace and order. There are 4 criminal cases registered at Kalapet Police Station and other Police Stations among which 3 cases are pending trial before Hon'ble Courts.

10. On perusal of the records submitted by the Petitioner, I am of the opinion that if, the Counter Petitioner is allowed to reside within the limits of my jurisdiction, Counter Petitioner will continue to indulge in and also motivate serious offences like murder, hurt, assault, obstructions, annoyance, damages to public and private properties, *etc.*, and thereby become a perennial source of threat to the community and disturb public peace and order. Such situations cannot be handled effectively by taking recourse to usual procedures contemplated by law and hence, it is necessary that special provision under section 144 of Cr. P.C. is invoked to take action against the Counter Petitioner to prevent harm to life and properties of citizens and uphold public peace and order;

Hence, I M. Kandasamy, do hereby, in the capacity of Subdivisional Magistrate (North), Puducherry, in exercise of powers conferred under the section 144(1) of the Code of Criminal Procedure, pass this order and prohibit you, the Counter Petitioner Thiru Gowthaman (30) s/o. Narayanan, No. 52, Thideer Nagar, Chinnakalapet, Puducherry, from entering into the region under the jurisdiction of the Subdivisional Magistrate Court (North), for a period of two months from the date of this Order or till any further orders are passed by the Competent Authority revoking this prohibition as per law, whichever is earlier except when you are summoned to attend the cases in any of the Courts in Puducherry. However, you may represent against this order before the undersigned by post or by Counsel.

At Puducherry, dated on this 18th day of February, 2021 pronounced in the open Court.

**M. KANDASAMY,**  
Subdivisional Magistrate (North).

**IN THE COURT OF THE SUBDIVISIONAL MAGISTRATE (NORTH)  
AT PUDUCHERRY**

*Present* : Thiru M. KANDASAMY,  
Subdivisional Magistrate (North).

**M.C. No. 37/2021 of I.R. No. 17/2020 Under Section 144 of Cr.P.C./539**

**ORDER**

(UNDER SECTION 144 of Cr. P.C.)

To

State Represented by the Station House Officer,  
Kalapet Police Station,  
Puducherry.

.... Petitioner

Vs

Thalapathy @ Sankar Ganesh (30),  
S/o. Kaliamoorthy,  
Quarters No. 12/2,  
Pondicherry Enginneering College,  
Pillaichavady, Puducherry,  
(No. 13, New Street, Pillaichavady,  
Puducherry).

.... Counter Petitioner

This petition along with case sheet filed by Station House Officer, represented by Arulmani, Sub-Inspector, Kalapet Police Station, Puducherry, praying to pass orders u/s. 144 Cr.P.C against Thiru Thalapathy @ Sankar Ganesh to prevent imminent danger to human lives and properties, and disturbance to the public tranquility and order, in the jurisdiction of this Court.

2. Counter Petitioner Thalapathy @ Sankar Ganesh, is a resident of Quarters No. 12/2 Pondicherry Engineering College, Pillaichavady, Puducherry (No.13, New Street, Pillaichavady, Puducherry).

3. The facts which led up to the petition are briefly as follows: The case referred by the Station House Officer, Kalapet Police Station, through the Superintendent of Police (East), Puducherry *vide* I. R. No.17/2020, u/s. 144 of Cr.P.C, dated 10-12-2020 that you have formed a gang of rowdies and bent up on indulging in crime such as murder, attempt to murder, grievous hurt, extortion and disturbance to the public peace and tranquility and you have created panic in the minds of local inhabitants in the Police Station limits. As a result the people of the locality being afraid of you and do not come forward to lodge any complaint against you. It is also stated that even witnesses don't come forward voluntarily to give evidence against you in the cases where you are the accused. In this connection, the petitioner had stated that the following criminal cases were registered the Counter Petitioner.

- (i) Cr. No.419/2018, under sections 147, 148, 341, 302 IPC and 3 (i) (b) of Explosive Act, 1908 of Aruovill Police Station, Tamil Nadu.
- (ii) Cr. No. 436/2018, under section. 341, 302,109,120 (b) IPC of Aruovill Police Station, Tamil Nadu.
- (iii) Cr. No. 76/2019, under section 3 (2)(a) (b), 4 (1) (2) (c), 5 (d) of ITP Act, 1956, dated 07-06-2019 of Orleanpet Police Station, Puducherry.

4. The Petitioner has also submitted that the Counter Petitioner is not a law abiding citizen, he has often violated the conditions imposed by the Court while he was released on bail. He is young and very active and therefore, his criminal activities cannot be prevented by invoking the mere security proceedings under the Cr.P.C.

5. The Petitioner also submitted that you are desperate and is in dire need of money to maintain your group of rowdy elements. It is also stated that you are hatching plans to threaten the business people in the Puducherry area and extort money from them by threatening. It is further stated that you are involving in various offences by using deadly weapons and also earned displeasure among a section of other rowdy group in the area on account of the grudge against you and hence, rival group is also waiting opportunity to take revenge up on you;

6. The Petitioner further submitted that if, you are allowed to reside in Kalapet limits, it is apprehended that you would continue to indulge in serious offences like murder, assault, obstructions, annoyance, damages to public and private properties, *etc.*, and thereby emerged as a perennial source of threat to the community and disturb public peace and order. Hence, the Station House Officer, Kalapet Police Station, Puducherry, has prayed to invoke provisions u/s 144 Cr.P.C against you not to enter into the jurisdiction of this Court, for a period of two months as to prevent danger to the human life and properties, and disturbance to the public tranquility and order;

7. The proceeding was started by affording an opportunity to the Counter Petitioner to show cause against the petition filed by the Petitioner. A notice was served to both the parties on 10-02-2021 to appear for the hearing on 18-02-2021 at 11.00 a.m. It was instructed to serve the notice to the Counter Petitioner through the Station House Officer, Kalapet Police Station, Puducherry. The notice for the Counter Petitioner was received by his sister, Tmt. I. Sonia.

8. On 18-02-2021, the Petitioner represented by Arulmani, Sub-Inspector, Kalapet Police Station was present. The learned counsel, Thiru V. Shankar, was present on behalf of the Counter Petitioner. The counsel for the Counter Petitioner filed his counter on 18-02-2021.

9. I have heard both the sides and carefully gone through all the available records in file placed by the Petitioner.

In the Police Information Report/Petition, it is stated that Thiru Thalapathy @ Sankar Ganesh activity was in such a manner that he may cause breach of peace and create a problem of law and order, and public tranquility. He has involved in crimes such as murder, grievous hurt, assaulting with deadly weapons, unlawful activities causing damage to public property, obstructions and annoyance, and disturb public peace and order. There are 3 criminal cases registered at various Police Stations. All 3 cases are pending trial before Hon'ble Courts.

10. I have also heard the Counsel for the Counter Petitioner and carefully gone through the counter filed by the Counsel.

The learned Counsel for Counter Petitioner has filed a counter stating that the Petitioner has filed this false case with an ulterior motive to stop the Counter Petitioner from participating in the upcoming general elections 2021 and thereby obstructing his fundamental rights.

11. Up on hearing both sides and on perusal of the records submitted by them, I am of the opinion that if, the Counter Petitioner is allowed to reside within the limits of my jurisdiction, Counter Petitioner will continue to indulge in and also motivate serious offences like murder, hurt, assault, obstructions, annoyance, damages to public and private properties, *etc.*, and thereby become a perennial source of threat to the community and disturb public peace and order. Such situations cannot be handled effectively by taking recourse to usual procedures contemplated by law and hence, it is necessary that special provision under section 144 of Cr.P.C. is invoked to take action against the Counter Petitioner to prevent harm to life and properties of citizens and uphold public peace and order;

Hence, I M. Kandasamy, do hereby, in the capacity of Subdivisional Magistrate (North), Puducherry, in exercise of powers conferred under the section 144 (1) of the Code of Criminal Procedure, pass this order and prohibit you, the Counter Petitioner Thiru Thalapathy @ Sankar Ganesh (30), s/o. Kaliamoorthy, Quarters No. 12/2, Pondicherry Engineering College, Pillaichavady, Puducherry (No. 13, New Street, Pillaichavady, Puducherry) from entering into the region under the jurisdiction of the Subdivisional Magistrate Court (North), for a period of two months from the date of this order or till any further orders are passed by the Competent Authority revoking this prohibition as per law, whichever is earlier except when you are summoned to attend the cases in any of the Courts in Puducherry. However, you may represent against this Order before the undersigned by post or by Counsel.

At Puducherry, dated on this 18th day of February, 2021 pronounced in the open Court.

**M. KANDASAMY,**  
Subdivisional Magistrate (North).

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